

P/4422-3 (REISSUE)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Paul Heinz BRUDER

Date: December 15, 2003

Reissue Application of U.S. Patent No. 6,485,351

Group Art Unit:

Filed: Herewith

Examiner:

For: TOY GARBAGE TRANSPORTATION TRUCK

Mail Stop Reissue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMBINED DECLARATION AND POWER OF  
ATTORNEY FOR REISSUE PATENT APPLICATION**

As a below named legal representative of the inventor, Paul Heinz Bruder, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that, upon information and belief, Paul Heinz Bruder is the original, first and sole inventor of the subject matter which is claimed and for which a reissue patent is sought on the invention entitled: "TOY GARBAGE TRANSPORTATION TRUCK", the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an Amendment which is attached.

I acknowledge the duty to disclose all information known to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code §120 of any United States application(s) for patent or United States provisional application(s) listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application Number	Date of Filing
Europe	01101761	January 26, 2001

Further, upon information and belief, the original patent is partly inoperative or invalid by reason of claiming more or less than the inventor had the right to claim in the patent.

At least one error exists in the claims of the issued patent. In particular, claim 1 of the patent, as originally filed and allowed, was unduly narrow in that it was limited to a single arrangement of the cargo space relative to the emptying casing, the cargo space being arranged in front of the emptying casing. In view of the prior art identified in the attached Information Disclosure Statement, the inventor is entitled to a broader claim which does not recite the specific spacial relationship of the cargo space to the emptying casing wherein the cargo space is in front of the emptying casing. In view of the prior art, the inventor is entitled to a claim covering a toy garbage transportation truck having an emptying casing which comprises a floor with a circle segment and a slanted feeding surface, as well as a conveyor shovel that can be swiveled, without regard to the location of the cargo space relative to the emptying casing. Therefore, on information and belief, the inventor claimed less than he had the right to claim in the patent.

On information and belief, all errors which are being corrected in the present reissue application and the attached Preliminary Amendment up to the time of filing of this declaration arose without any deceptive intention on the part of the inventor.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint customer no. 2352 OSTROLENK, FABER, GERB & SOFFEN, LLP, and the members of the firm, Samuel H. Weiner - Reg. No. 18,510; Robert C. Faber - Reg. No. 24,322; Max Moskowitz - Reg. No. 30,576; James A. Finder - Reg. No. 30,173; William O. Gray, III - Reg. No. 30,944; Louis C. Dujmich - Reg. No. 30,625, and Douglas A. Miro - Reg. No. 31,643, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent & Trademark Office connected therewith and to receive all correspondence.




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